

The following communication from his Excellency, the Governor, was then read and referred to the committee on Slaves and Slavery :

EXECUTIVE OFFICE, }
Austin, Jan. 18, 1856. }

*Gentlemen of the Senate
and House of Representatives :*

I return herewith to the House of Representatives, "an Act to permit certain persons of color, freed, claiming to have been the property of Gabriel Moore, late of Alabama, to remain in the county of Harrison, State of Texas, for two years after the suit now pending in said county to establish their freedom shall have been decided."

It has been the policy of Texas, since the commencement of her revolution, to prevent free negroes and mulattoes from coming here to reside. The General Council of the Provisional Government, on the 5th of January, 1836, passed an ordinance to prevent their importation and emigration, which provided that if they should come within the limits of Texas after that date, they should be sold as slaves, and imposed a fine of five thousand dollars upon any person who should import, or bring, or aid, or abet in bringing or importing any free negro or mulatto within the limits of Texas.

On the seventeenth of March in the same year, the constitu-

tion of the Republic was adopted, which declared in the 9th section of its general provisions, that no slaveholder should be allowed to emancipate a slave without the consent of Congress, unless he should send such slave without the limits of the Republic, and also that no free person of African descent should be permitted to reside permanently in the Republic without the consent of Congress. Shortly after, on the 5th of June, 1837, an Act was passed which permitted all free Africans, or descendants of Africans, who were residing in Texas at the date of the declaration of independence, to remain here. On the 5th of February, 1840, another Act was passed prohibiting such persons from coming here and being brought here, and providing that all who should come or be brought here, should be sold for one year unless they should give a bond in the sum of one thousand dollars, with the security of a citizen, for their removal out of the limits of the Republic, and unless such bond should be given before the expiration of the year, they were then to be sold as slaves for life. The same Act provided that all free persons of color then in the Republic should be allowed two years to remove out of it, and that all who were found here after that time, without the permission of Congress, should be arrested and sold as before stated. On the 12th of December, 1840, another Act was passed, permitting certain free persons of color who were named, to reside in the Republic, and again giving permission for those who were here at the declaration of independence to remain here.

This is a history of our legislation on the subject previous to the adoption of our State Constitution.

That Constitution gave the Legislature the right to pass laws to permit the owners of slaves to emancipate them, saving the rights of creditors, and preventing them from becoming a public charge. Under this provision, several applications were made to the first, second and third Legislatures, for permission to emancipate slaves, all of which were refused, except upon condition that they should be removed from the State. The 4th Legislature granted permission to three persons of this description to remain within the State, on account of meritorious services they had rendered to the country. This is believed to be a full history of all our legislation on the subject of free persons of color.

I think the policy heretofore pursued by the State, of excluding free negroes and mulattoes, is a wise one, and should be adhered to, for it is well known that their intercourse with slaves tends to corrupt them and make them dissatisfied, and ought by all means to be avoided.

Our State has now comparatively few free negroes, and the

experience of other slaveholding States, which are now suffering those evils that are inseparable from a large population of this character, mingling with their slaves, and which are now devising means to rid themselves of it, admonishes us not to permit their increase among us by legislation.

It may be said that as this Act only permits these persons to reside here for two years after their freedom shall have been established, it cannot, therefore, do any great harm, but I fear that at the expiration of that time, the fact, they have been allowed to reside here for two years, will be urged as a reason for their longer stay, and that they may ultimately obtain permission to reside here permanently.

Entertaining these views, I cannot approve this Act, and, therefore, return it to the House of Representatives, in which it originated, for re-consideration.